

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JULIE SCHMIDT and LEON GERHARD,

Plaintiffs,

v.

TACOMA POLICE DEPARTMENT, et al.,

Defendants.

Case No. C09-5135RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon Plaintiffs' Applications to Proceed *In Forma Pauperis* and Applications for Court Appointed Counsel.

Having considered the entirety of the records and file herein, it is hereby

ORDERED that Plaintiffs' Applications to Proceed *In Forma Pauperis* are **GRANTED**. The Clerk shall file plaintiffs' complaint. The Clerk shall send service forms to the plaintiffs. Once plaintiffs return the filled out service forms and service copies of their complaint, the United States Marshal shall send the following to each named defendant for whom there is a filled out service form by first class mail: a copy of the complaint and of this Order, two copies of the Notice of Lawsuit and Request for Waiver of Service of Summons, a Waiver of Service of Summons, and a return envelope, postage prepaid, addressed to the Clerk's Office. All costs of service shall be advanced by the United States. The clerk shall assemble the necessary documents to effect service.

1 Defendants shall have **thirty (30) days** within which to return the enclosed Waiver of Service of
2 Summons. Each defendant who timely returns the signed Waiver shall have **sixty (60) days** after the date
3 designated on the Notice of Lawsuit to file and serve an answer or a motion directed to the complaint, as
4 permitted by Rule 12 of the Federal Rules of Civil Procedure.

5 Any defendant who fails to timely return the signed Waiver will be personally served with a summons
6 and complaint, and may be required to pay the full costs of such service, pursuant to Rule 4(d)(2). A
7 defendant who has been personally served shall file an answer or motion permitted under Rule 12 within
8 **thirty (30) days** after service. It is further

9 ORDERED that Plaintiffs' Applications for Court Appointed Counsel are **DENIED** without prejudice.
10 If the case appears to have merit after an answer or motion directed towards the complaint is filed, the Court
11 will entertain a renewed motion to appoint counsel.

12 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party
13 appearing pro se.

14 Dated this 19th day of March, 2009.

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16 RONALD B. LEIGHTON
17 UNITED STATES DISTRICT JUDGE
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